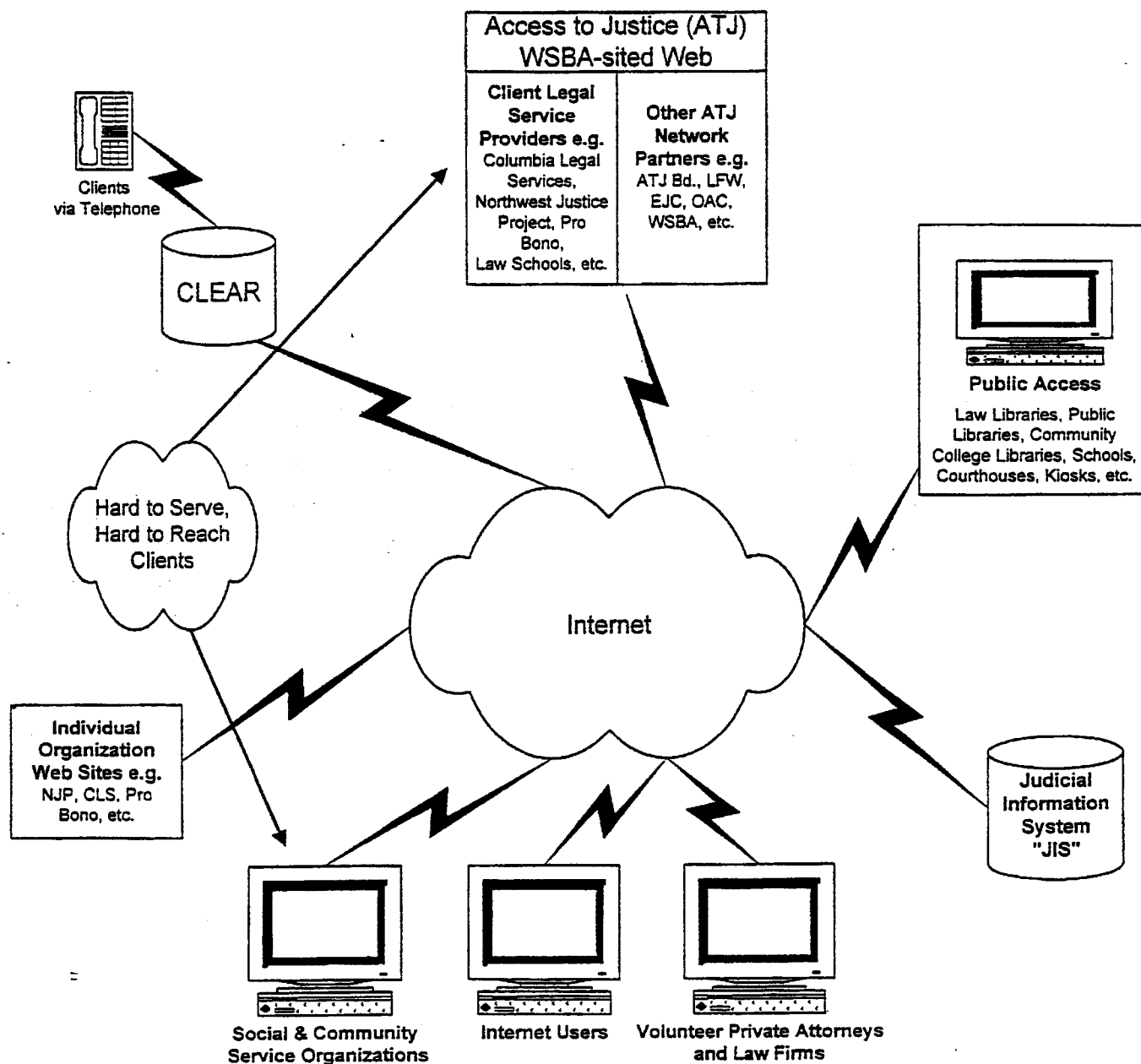


# Washington State Equal Justice Communication and Technology Vision





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**2001 ATJ BOARD GOALS**  
(Adopted at June 2000 retreat)

- Revise ATJ Board Order
- Implement Family Law Task Force recommendations
- Continue to study the issue of family law limited practice officers
- Get GR 21 ready for adoption
- Assist and encourage PLE Council efforts
- Reinstate Judicial College pro so session
- Continue to coordinate/develop judicial education
- Participate in Phase 2 planning efforts
  - Provide leadership
  - Provide technical planning and training
  - Consider a leadership forum for providers
- Synthesize and market State Plan for all constituencies
- Continue to promote improved relationships between ATJ and BJA, Supreme Court, BOG and judicial associations
- Develop a rule on unbundled legal services
- Look at RPC's which have relevance to access to justice
- Complete the work of the Law Related Services Committee
- Work toward more and stable resources
- Complete legal needs assessment
- Assist in helping programs implement statewide Accountability Standards
- Assist Impediments Committee with transition to new leadership
- Create mechanism for assisting committee with their goals
- Get more staff
- Define the ATJ Board's role in diversity
- Determine if there is a need to publicize the existence/function of the ATJ Board
- Develop ATJ Board brochure

## **REGIONAL PLANNING AND PRIORITIES SETTING**

### **ESSENTIAL CHARACTERISTICS**

#### **INTRODUCTION**

A fully integrated statewide civil legal services delivery system necessarily requires a coordinated and integrated approach to identification of client service needs and strategic assessment of how best to meet those needs. At various times, this identification and assessment process has been called "priority setting" or "planning".

The newly adopted Revised State Plan for the Effective Delivery of Statewide Civil Legal Services in Washington (Sept. 1999), reiterates and underscores the need for integrated planning/priority setting efforts, and places a renewed emphasis on such planning being carried out at the local and regional level. According to the State Plan, "because client needs and demographics differ by region, planners should work to tailor delivery system capacities to ensure that they effectively respond to local and regional characteristics and client needs." Revised State Plan at 65. The Revised State Plan envisions regionally focused civil legal services delivery systems that are "most responsive to the diversity and characteristics of client demography; the nature, substance and scope of client needs; the relationship between the resources available and the nature, substance and scope of client needs; and the relative experience, capacities, and resources available to local and regional providers." Identification and establishment of a regional strategic response to client needs is entirely consistent with and appropriate to full implementation of the State Plan.

In accordance with the 1995 State Plan, NJP and CLS have worked to deploy their respective and collective capacities in ways that complement one another, ensure maximum responsiveness to the full array of client needs (within the constraints of limited resources and respective funding limitations), and have worked to develop innovative approaches to the delivery of civil legal services. The two organizations are co-located in a number of locations and cover common service delivery areas throughout the state. NJP and CLS of course, do not operate in a vacuum, but with a wide variety of civil equal justice delivery partners, who share a common stake in the effectiveness of their effort.

With the adoption of the Revised State Plan (and its focus on integrated regional service delivery planning) and in light of the continuing obligation to assess, evaluate and develop resources necessary to meet client needs, NJP and CLS must undertake a joint effort to engage inclusive, integrated planning on a regional basis. This paper outlines the contours and characteristics of an effective regional planning process and establishes initial expectations of our regional service delivery staff (to be carried out, of course, in coordination with local and regional partners, statewide projects, task forces and CLEAR). While this initiative is a work in progress, it is anticipated that staff of both programs will work closely to ensure that planning is effectively carried out in ways that respect and support the primary responsibilities of staff to provide services to clients.

#### **CURRENT FACTORS INFLUENCING PROCESS**

Currently, CLS and NJP are working with the Legal Foundation of Washington and the statewide ATJ community to identify the resources necessary to enable regional planners to undertake effective regional planning activities. A pilot initiative is under development in the East Region and will involve the services of a national civil legal services delivery planning consultant.

NJP is required to conduct an annual review of priorities and to forward program priorities to LSC by the end of the year. The requirements of that review are set out in 45 CFR 1620.5, and require an assessment of the extent to which program priorities should be changed on the basis of the following factors:

- (1) The extent to which the object of the priorities have been accomplished;

- (2) Changes in the available resources;
- (3) Changes in the size, distribution or needs of the eligible client population; and
- (4) The volume of non-priority emergency cases or matters in a particular legal area since priorities were reviewed.

The ATJ Board's Civil Equal Justice Performance Standards (copy attached), to which CLS and NJP subscribe, require all civil legal services providers to undertake strategic and collaborative planning which involves a comprehensive reassessment of the most pressing legal problems of their client populations. While NJP has engaged in the priority setting and annual review process required by 45 CFR 1620, CLS has not engaged in a systematic assessment of client legal needs since the last comprehensive statewide priority setting conducted by its predecessor organizations (Evergreen, Spokane and Puget Sound) in 1994-95. NJP's initial priority setting process relied in substantial part upon the 1994-95 data. Thus, while significant census information based upon the 2000 decennial census will not be available until at least 2002, a comprehensive regional based assessment/planning effort is overdue, and should not await the completion of that census.

The ATJ Performance Standards and LSC regulatory requirements provide a logical starting point for the evaluation phase of the regional planning processes required by the Revised State Plan. Each region needs to identify the spectrum of client needs and the existing capacities available to meet those needs. Consistent with the Hallmarks and Revised State Plan, identification of client populations that suffer unique or disparate challenges, or who have unique access problems, along with the emerging legal issues faced by the client population as a whole, should be incorporated into the process, and specially considered in developing strategic approaches to meeting their needs. LSC's priority setting requirements, which should inform the process, should not unnecessarily limit the overall integrated regional planning effort. Regional planners retain the freedom to identify needs, define outcomes, develop strategies and assign tasks in a manner that makes the most strategic use of all present and potential civil equal justice capacities.

### **EXPECTATIONS UNDER THE REVISED STATE PLAN**

The Revised State Plan lays out the expectations of the delivery partners. In the section on New/Reformulated Goals for Program Configuration (p.65-66), the Plan States:

- a. While the State Plan's allocation of statewide resource capacities is sound, local and regional service delivery might be enhanced by a more flexible approach to the allocation of civil equal justice capacities and resources. Because client needs and demographics differ by region, planners should work to tailor delivery system capacities to ensure that they effectively respond to local and regional characteristics and client needs. Specifically, state, regional and local delivery system partners should work to ensure that staff resources are deployed in a manner that is most responsive to the diversity and characteristics of client demography; the nature, substance and scope of client needs; the relationship between the resources available and the nature, substance and scope of client needs; and the relative experience, capacities and resources available to local and regional providers.
- b. Local and regional programs should be encouraged to expand interactive service delivery and resource development opportunities, take advantage of unique program identities and resource development capacities that can enhance the overall legal services delivery network. Effective local and regional service delivery planning may involve a blurring of traditional responsibilities and expectations of different types of providers (e.g., staffed vs. volunteer attorney programs), and resources, relationships, experience and other capacities may dictate alternative delivery models in different locations. In every location, civil legal service delivery partners should have the freedom to determine the highest priority client needs, the entity(ies) best positioned to respond to those needs, and resources necessary to do so, consistent with the vision and values articulated in the Hallmarks.

### **ESSENTIALS OF EFFECTIVE PLANNING**

Effective planning is a process, not an outcome. To be effective, it needs to be values driven and should be designed

from the outset to include the full spectrum of persons and institutions with a stake in the achievement of the articulated goals and objectives. A meaningful strategic plan consists of the following components:

1.      **EVALUATION:** The initial focus of strategic planning involves an evaluation of the current strategic position of the enterprise (i.e., the regional civil equal justice delivery system) in relation to its capacity to accomplish the mission.<sup>1</sup> The evaluation phase involves an identification of opportunities for and obstacles to achieving the stated goals and objectives of the enterprise. It requires the engagement of a wide range of interested stakeholders with differing perspectives regarding the relevancy of the enterprise to its primary stakeholders (i.e., low income clients and client communities) and its present and future capacity to achieve the mission. It also requires an assessment of the capacities/resources currently available and capacity/resource gaps that serve as obstacles to the ability of the enterprise to achieve its overall objectives.
  
2.      **DEFINING INTENDED OUTCOMES:** From information gathered during the evaluation phase, the planning process moves to an articulation of outcomes to be accomplished over a specified planning horizon. Outcomes include both the substantive ends sought on behalf of the target community (e.g., preservation of threatened public housing in certain specific communities; making Work First really work for low income clients; reducing youth involvement in the juvenile justice system, etc.) and changes in the design, configuration or capacity of the enterprise needed to better enable it to achieve its mission (e.g., expanding private bar involvement in matters of primary concern to clients; establishing courthouse facilitator positions in counties where they do not exist; creating lay advocacy capacity to handle certain types of matters not forbidden by applicable practice of law considerations.)
  
3.      **ARTICULATION OF SPECIFIC STRATEGIES:** This step of the process involves the development and articulation of the broad approaches that will be employed to achieve identified outcomes over the course of the strategic planning horizon. Often times, strategies will involve a number of different disciplines (e.g., litigation, negotiation, legislative, economic development, capacity development, community partnering, etc.). Equally true is the fact that strategies do not lead in a linear fashion to the achievement of the specified outcomes. There may be many steps from conceptualization through completion, and the precise mix of strategies will often change over the course of the planning horizon.
  
4.      **ALLOCATION OF TASKS:** Closely related to identification of strategies is the assignment of tasks to specific individuals, organizations, strategic partnerships, etc. This is essential, for only by assigning tasks, can the planners hold themselves accountable to the effort to achieve the desired outcomes.

**REVIEW/ADJUSTMENT:** Planning is not a static event, it is a process. The factors affecting the strategic position of the enterprise and its target population(s) change frequently. Consequently, the planning process requires a commitment to regular review, analysis, evaluation and augmentation over time. Planners need to establish a vehicle to undertake such a review and to make changes that may be required.

### **APPLYING THE ESSENTIALS OF EFFECTIVE PLANNING TO THE REGIONAL CIVIL EQUAL JUSTICE PLANNING**

1.      **EVALUATION:**      In the regional civil equal justice planning context, the evaluation phase involves a dual inquiry. First the planners must evaluate the present and prospective circumstances of low income people within the region (and relevant subregions), the scope and volume of civil legal advocacy needs they experience, and the different types of needs experienced by distinct and identifiable communities or populations of clients. This component of the evaluation process tracks the general expectations in LSC's priorities setting process, and the requirement of the ATJ Board's Civil Equal Justice Performance Standards that programs "periodically (i.e., 24-36 months or as circumstances dictate) undertake a comprehensive reassessment of the most pressing needs of its target client population in consultation with clients, other social and human services providers, ATJ Network partners, and other entities with a stake in meeting the civil equal justice needs of low income and vulnerable people." Performance Standard No. 1.

In addition, this phase requires the planners to undertake a comprehensive assessment of current civil equal justice delivery capacity throughout the region (and by subregion, where appropriate), identifying:

- the organizations and institutions available to meet some component of the civil equal justice needs of low income people in the region, including but not limited to staffed legal services programs, CLEAR, specialized state-wide or local client advocacy projects (e.g., Farm Worker, Native American, Institutions, Refugee and Immigrant, Long-Term Care Ombudsman, etc.), traditional ATJ partner organizations (specialized providers, law school clinics, law libraries, VALS programs, courthouse facilitators, prosecutors, PD's, P&A programs, etc.), and non-traditional partners (neighborhood groups, community action agencies, lay advocacy organizations, etc.)
- the mission of, and nature of services available from, such organizations and institutions (e.g., lay advocacy, direct client representation, limited purpose/specialized client focus representation, etc.), relevant limitations (substantive, geographic, cultural, linguistic, etc.) that may exist that would affect their ability to meet the important civil legal needs of low income people in the region, and any unique capabilities of the organization itself or those associated with it (e.g., a stated organizational focus on certain relevant areas of poverty advocacy, staff with specialized experience in relevant areas of poverty law, etc.) that might affect its strategic positioning within the overall regional delivery system
- readily identifiable gaps in client legal assistance capacity by region, subregion (if appropriate), as well as for identifiable client communities that experience unique legal needs or suffer disproportionate access barriers

The end result of the evaluation process should be a template that compares current client legal needs for the spectrum of relevant client communities against the mix of resources available to meet those needs across the region (and within each relevant subregion).

**2. DEFINING INTENDED OUTCOMES:** Deliberate or strategic planning next requires that the planners identify specific outcomes that they hope to accomplish during the planning period. "Solving poverty" is not an option here, not because it is not a worthy or appropriate objective, but because it is not capable of being accomplished during the planning horizon (generally 2-3 years). Specific outcomes should flow from information acquired and synthesized during the evaluation process. Some will go toward core substantive issues faced by clients, others will go to the creation/expansion of client representational capacities in areas or on matters where capacity gaps have been identified. This is a key step in the process, and planners should take care to be realistic, yet broad minded in identifying and articulating intended outcomes.

**3. ARTICULATING SPECIFIC STRATEGIES:** In order to achieve the outcomes, planners will have to develop a range of strategies. For example, assume that one outcome is to provide a more complete continuum of care for victims of domestic violence in the region. This may implicate a whole range of potential strategies including, but not limited to, training judges/commissioners on the dynamics of domestic violence, expanding shelter facilities for low income victims, working to expand the capacity of providers to address unique cultural and linguistic obstacles that prevent members of certain client communities from seeking help, developing expanded outreach efforts for underserved client populations, identifying high profile client representation opportunities designed to establish precedent and change community understanding and institutional practices that may be insensitive to the needs of DV victims and their families, attracting VAWA and other funds to enhance regional capacity to meet the civil legal needs of DV victims, etc. Similar packages of strategies can be developed for both substantive areas of client focus as well as to address the broader spectrum of needs for distinct client populations (e.g., seniors, youth, urban Native Americans, refugees and immigrants, isolated rural poor, etc.). The challenge here is to think broadly, and not to default into historical expectations of specific organizations or institutions. For example, let's assume that one identified outcome is to increase direct client representational capacity for a particular client population in a subregion that is underserved by the staffed legal services offices. One strategy, which may be driven in part by historical expectations of the roles of "staffed programs" vis a vis other providers, may be to increase staffing in the legal services programs. On the other hand, another strategy might be to work with local community partners and potential funders to place a staffed person in an existing entity (VALS program, DV shelter, CAP) and to redirect some level of regional staffed capacity to provide support and assistance to this subregionally placed attorney. The question at all times is what is the most effective and efficient approach, taking into consideration the totality of the needs and capacities of the delivery

system.

4. **ALLOCATION OF TASKS:** Once planners have identified the strategies that will be employed, tasks should be allocated between and amongst those involved in the delivery system. Tasks should be clear and timelines should be defined. Some strategies will require the involvement of more than one ATJ Network partner, and planners will want to assign the tasks accordingly, with an expectation that the partners will coordinate their work to maximize the potential for effective implementation of the strategy(ies).

5. **REVIEW/ADJUSTMENT:** The effectiveness of the regional service delivery plan will be determined not only of the identification of outcomes and strategies and the allocation of responsibilities, but by the manner in which the planning process monitors, evaluates and adjusts the strategies in keeping with new information, changes in the overall circumstances of the client communities, and information learned through the plan implementation process. Consequently, it is essential that the planning process be institutionalized, and that a structure be established to allow for regular reporting on, evaluation of progress toward, and making necessary changes in the approaches to achieving the identified outcomes.

### **TIMING AND THE TOOLS TO GET THERE**

If planners believe it would be helpful to the planning process, CLS and NJP will work together to identify individuals with planning expertise whose assistance and involvement might be beneficial to regional civil equal justice delivery planners. A compilation of articles and information that shed light on best practices that have developed elsewhere will also be provided. A timeline will be set that would have regional planners embarking upon the process this Spring, which will tie in to the "Connections" theme of the upcoming Statewide Legal Services Conference, with final stages to be completed during the Fall.

### **CONCLUSION**

While the above described goals and process may at first blush appear overwhelming, and some amount of effort will be necessary to accomplish it, the planning process should be viewed as integral to the client service delivery system. Client service is and remains the primary mission of CLS and NJP, respectively, and serving that mission should not be unnecessarily burdened by the allocation of resources to a process that may not be viewed as necessary or meaningful. Certainly, the hope is that the client service mission will be better served and that limited staff resources will be allocated on more effective basis through deliberate consideration of client needs and development of a strategic plan for how to accomplish them.

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#### **Footnote:**

1 As defined by the Hallmarks, the mission of Washington State's Civil Equal Justice Delivery system is to:

- Protect the individual rights of low income clients;
- Oppose laws, regulations, policies and practices that operate unfairly against low income individuals and groups;
- Employ a broad range of legal advocacy approaches to expand the legal rights of low income individuals and groups where to do so is consistent with fundamental considerations of human dignity; and
- Assist low income individuals and groups in understanding and effectively asserting their legal rights and interests within the civil justice system, with or without the assistance of legal counsel.

According to the ATJ Board, the delivery system:

- Must be client centered;
- Must promote and secure meaningful access to justice for all low income people regardless of barriers or obstacles, including geographic barriers, physical or mental limitations or disabilities, barriers or disproportionate burdens of poverty resulting from disparate treatment due to race, ethnicity, cultural, language or other perceived differences;
- Must work to ensure the most strategic use of all resources and all capacities in coordinated service to the mission; and
- Must be accountable to clients, funders and other stakeholders.